



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, AUGUST 4, 2003 - 2:00 P.M.

AND CONTINUED AT 6:30 P.M.

MAYOR AND COUNCIL CHAMBERS

(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Reverend Roy Phillips, A :Liberal Light in the Desert

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

PRESENTATIONS

- (a) Proclamation – Proclaiming August 20, 2003 as 228th Anniversary of the founding of the City of Tucson.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager AUG4-03-426 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager AUG4-03-427 CITY-WIDE

5. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue *not listed on today's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

6. **CONSENT AGENDA – ITEMS A THROUGH AA**

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

7. **LIQUOR LICENSE APPLICATIONS**

(a) Report from City Manager AUG4-03-434 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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| (1) | O'SHAUGHNESSY'S
2200 N. Camino Principal
Applicant: Sam O. Stangl
City #038-03, located in Ward 2
Series #12
Action must be taken by: July 19, 2003
PUBLIC OPINION: PROTESTS FILED
SUPPORT FILED
(CONTINUED FROM MAYOR AND COUNCIL MEETING OF
JUNE 30, 2003) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: DENIED
Bus. License: In Compliance |
| (2) | RADISSON SUITES TUCSON
6555 E. Speedway Blvd.
Applicant: David W. Muth
City #044-03, located in Ward 2
Series #11
Action must be taken by: August 4, 2003
PUBLIC OPINION: SUPPORT FILED | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (3) | VINUM
3840 E. Grant Road
Applicant: Bessie J. Lietzau
City #045-03, located in Ward 6
Series #4
Action must be taken by: August 10, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |

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| <p>(4) RISKY BUSINESS
 250 S. Craycroft Road #140
 Applicant: Robert K. Raynor
 City #046-03, located in Ward 6
 Series #12
 Bus. License: In Compliance
 Action must be taken by: August 9, 2003</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
 DSD: In Compliance</p> |
| <p>(5) TACO LOCO
 4980 S. Campbell Avenue
 Applicant: Carlos D. Velderrain
 City #047-03, located in Ward 5
 Series #12
 Bus. License: In Compliance
 Action must be taken by: August 10, 2003</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
 DSD: In Compliance</p> |
| <p>(6) ZONA 78 WOOD FIRED FOODS
 78 W. River Road
 Applicant: Thomas P. Firth
 City #048-03, located in Ward 3
 Series #12
 Bus. License: In Compliance
 Action must be taken by: August 10, 2003</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
 DSD: In Compliance</p> |
| <p>(7) CIRCLE K STORE #6469
 1720 W. Irvington Road
 Applicant: Kim K. Kwiatkowski
 City #049-03, located in Ward 5
 Series #10
 Bus. License: In Compliance
 Action must be taken by: August 10, 2003</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
 DSD: In Compliance</p> |
| <p>(8) KAMPAI
 4689 E. Speedway Blvd.
 Applicant: Dae S. So
 City #054-03, located in Ward 6
 Series #12
 Bus. License: In Compliance
 Action must be taken by: August 29, 2003</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
 DSD: In Compliance</p> |
| <p>(9) ECKERD DRUGS #5348
 8705 E. Speedway Blvd.
 Applicant: Michael W. Huffstuttler
 City #055-03, located in Ward 2
 Series #10
 Bus. License: In Compliance
 Action must be taken by: September 6, 2003</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
 DSD: In Compliance</p> |

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| <p>(10) WAG'S BEVERAGE EXPRESS
 1800 E. Broadway Blvd. #136
 Applicant: Donald L. Whitney
 City #056-03, located in Ward 5
 Series #10
 Action must be taken by: September 6, 2003</p> | <p><u>Staff Recommendation</u>

 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Compliance</p> |
| <p>(11) QUICKSMART
 1850 E. Prince Road
 Applicant: Barry M. Bennett
 City #057-03, located in Ward 3
 Series #10
 Action must be taken by: August 4, 2003</p> | <p><u>Staff Recommendation</u>

 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Process</p> |

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfers

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| <p>(12) MANDARIN GRILL RESTAURANT
 505 E. Grant Road
 Applicant: David M. Fung
 City #041-03, located in Ward 3
 Series #7
 Action must be taken by: August 2, 2003</p> | <p><u>Staff Recommendation</u>

 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Compliance</p> |
| <p>(13) SAUSAGE DELI
 2334 N. 1st Avenue
 Applicant: Joseph P. Fanelli
 City #042-03, located in Ward 3
 Series #7
 Action must be taken by: August 2, 2003</p> | <p><u>Staff Recommendation</u>

 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Compliance</p> |
| <p>(14) WINSOR DRIVE-IN LIQUORS
 4000 E. 29th Street
 Applicant: Manuel C. Garcia
 City #053-03, located in Ward 5
 Series #9
 Action must be taken by: August 28, 2003
 PUBLIC OPINION: PROTEST FILED</p> | <p><u>Staff Recommendation</u>

 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Compliance</p> |

NOTE: For a person to person transfer, Mayor and Council may consider both the applicant's capability, qualifications and reliability.

Location Transfer

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| (15) PETER PIPER PIZZA
4120 N. Oracle Road
Applicant: Donald R. Baxla
City #050-03, located in Ward 3
Series #7
Action must be taken by: August 9, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
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NOTE: For a location transfer Mayor and Council can consider both the applicants' capability, qualifications, reliability and location issues.

Person/Location Transfer(s)

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| (16) WILDE PLAYHOUSE
135 E. Congress
Applicant: Joan O'Dwyer
City #033-03, located in Ward 6
Series #7
Action must be taken by: July 5, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
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(CONTINUED FROM MAYOR AND COUNCIL MEETING OF JUNE 30, 2003)

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| (17) YOSHIMATSU HEALTHY
JAPANESE EATERY
2660 N. Campbell Avenue
Applicant: Yoshimi Tashima
City #043-03, located in Ward 3
Series #7
August 8, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Process
Action must be taken by: |
| (18) THE BUZZ
345 W. Drachman
Applicant: Andrew A. Saenz
City #051-03, located in Ward 3
Series #7
Action must be taken by: August 9, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (19) FRY'S FOOD & DRUG #42
9401 E. 22 nd Street
Applicant: Stephen M. McKinney
City #052-03, located in Ward 2
Series #9
Action must be taken by: August 14, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Process |

NOTE: For a person and location transfer Mayor and Council can consider both the applicant's capability, qualifications and reliability and location issues.

(c) Special Event(s)

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| (1) COMITÉ DE FESTIVIDADES MEXICANAS
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City #T049-03, located in Ward 1
Date of Event: September 12, 2003
September 13, 2003
September 14, 2003
(To celebrate Mexican Independence Day) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks & Rec.: In Compliance |
| (2) PANTANO EXCHANGE CLUB
4440 S. Houghton Road
Applicant: Scott P. Little
City #T050-03, located in Ward 4
Date of Event: October 25, 2003
(Fundraiser for parent aid child abuse prevention center) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (3) STONE AVENUE TEMPLE PROJECT
dba HISTORIC STONE AVENUE TEMPLE
949 E. 2 nd Street
Arizona Historical Society
Applicant: Joshua M. Protas
City #T051-03, located in Ward 6
Date of Event: September 1, 2003
(Cultural Program) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (4) KOKOPELLI WINERY
4 th Avenue (534 & 536) North
Applicant: Donald L. Minchella
City #T053-03, located in Ward 6
Date of Event: December 12, 2003
December 13, 2003
December 14, 2003
(Wine Festival) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (5) CHURCH OF ST. MICHAEL AND ALL ANGELS
602 N. Wilmot Road
Applicant: John R. Smith
City #T054-03, located in Ward 2
Date of Event: September 26, 2003
September 27, 2003
(Fundraiser) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

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| <p>(6) ST. MELANY'S BYZANTINE CATHOLIC CHURCH
1212 N. Sahuara Avenue
Applicant: Stephen A. Mikitish
City #T055-03, located in Ward 6
Date of Event: October 4, 2003
(Promote Slavic Culture)</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
DSD: In Compliance</p> |
| <p>(7) TUCSON BREAKFAST LIONS CLUB
4823 S. 6th Avenue
Applicant: Raymond J. McKee
City #T056-03, located in Ward 5
Date of Event: August 30, 2003
August 31, 2003
(Entertainment - Fundraiser)</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
DSD: In Compliance
Parks & Rec.: In Compliance</p> |
| <p>(8) TUCSON BLUES SOCIETY INC.
900 S. Randolph Way
Demeester Performance Center
Applicant: Robert C. Del Grego
City #T057-03, located in Ward 6
Date of Event: October 19, 2003
(To promote blues art)</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
DSD: In Compliance
Parks & Rec.: In Compliance</p> |
| <p>(9) TUCSON JEWISH COMMUNITY CENTER
3800 E. River Road
Applicant: Carolyn H. Amacher
City #T058-03, located in Ward 2
Date of Event: September 13, 2003
(Entertainment - Fundraiser)</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
DSD: In Compliance</p> |
| <p>(10) SUN SOUNDS OF ARIZONA
3400 E. Camino Campestre
Hi-Corbett Field
Applicant: Mitzi M. Tharin
City #T059-03, located in Ward 5
Date of Event: September 20, 2003
(Fundraising for the Tucson office)</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
DSD: In Compliance
Parks & Rec.: In Compliance</p> |
| <p>(11) RAYTHEON TUCSON MANAGEMENT CLUB, INC.
401 E. Limberlost, Las Candelas
Applicant: Matthew D. Neely
City #T061-03, located in Ward 3
Date of Event: August 21, 2003
(August 2003 Meeting)</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
DSD: In Compliance</p> |

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| (12) | TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T062-03, located in Ward 1
Date of Event: August 9, 2003
(Fundraising, promotion, bring people downtown) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (13) | TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T063-03, located in Ward 1
Date of Event: August 23, 2003
(Fundraising, promotion, bring people downtown) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Process |
| (14) | TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T065-03, located in Ward 1
Date of Event: September 5, 2003
(Members exhibition opening) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

8. MAGISTRATES: APPOINTMENT OF CITY MAGISTRATE

- (a) Report from City Manager AUG4-03-410 CITY-WIDE
- (b) Ordinance No. 9875 relating to city magistrates; appointing a City Magistrate of the City of Tucson; fixing compensation and declaring an emergency.

9. MAGISTRATES: APPOINTMENT OF SPECIAL CITY MAGISTRATE

- (a) Report from City Manager AUG4-03-441 CITY-WIDE
- (b) Ordinance No. 9879 relating to city magistrates; appointing Robert Wright Special City Magistrate to serve upon call by the Chief Executive Officer of the Court; fixing compensation and declaring an emergency.

10. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager AUG4-03-433 CITY-WIDE

RECESS THE 2:00 P.M. MEETING

6:30 P.M. RECONVENE THE REGULAR MEETING

ROLL CALL

11. ELECTIONS: RECONSIDERATION OF CALLING A SPECIAL ELECTION ON NOVEMBER 4, 2003 RELATING TO A COMPREHENSIVE TRANSPORTATION PLAN

- (a) Report from City Manager AUG4-03-452 CITY-WIDE

Material for this item can be accessed on the City Website and in the City Clerk's office as soon as it becomes available.

12. ZONING: (C9-03-12) DIBRO DEVELOPMENT – THORNYDALE ROAD, O-3, MU, AND I-2 TO C-1 AND C-2, CITY MANAGER'S REPORT

- (a) Report from City Manager AUG4-03-424 W1
- (b) Report from Zoning Examiner dated July 25, 2003
- (c) Request to rezone approximately 11.24 acres from O-3 (Mid-rise Office), MU (Multiple Use), and I-2 (Heavy Industrial) to C-1 (Low-intensity Commercial) and C-2 (General Commercial) zoning. Applicant: Jack Neubeck of the Planning Center, on behalf of the property owner, Rodrigo Diaz Brown.

The rezoning site is located on the east side of Thornydale Road, south of Orange Grove Road. The preliminary development plan is for a 17,000 square foot restaurant and a 54,000 square foot self-storage facility on 7.02 acres in the C-1 zone and a 44,000 square foot auto service use on 4.13 acres in the C-2 zone.

The Zoning Examiner recommends approval of C-1 and C-2 zoning. The City Manager recommends approval of C-1 and C-2 zoning subject to the following conditions:

1. A development plan in compliance with the preliminary development plan dated April 16, 2003, the Design Compatibility Report, and the design criteria adopted in the *Catalina Foothills Subregional Plan* is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.

2. Enhanced landscape borders shall be provided along the south and east side of the site. These enhanced landscape borders may include hardscape, or enhanced vegetation. In the enhanced landscape borders enhanced vegetation may include desert varieties, such as cacti, to create increased security for the adjacent residential neighborhoods. Trees shall be planted every twenty-five (25) feet on center, shrubs and ground covers shall provide seventy-five (75) percent coverage at maturity and decorative masonry walls.
3. Loading areas, dumpsters, trash compactors, and other noise-generating activities shall be located either within enclosed facilities, or a minimum of 100 feet from residential areas to the south and east.
4. Buildings on the site shall be oriented so that sound from noise-generating activities will be directed away from residential areas to the south and east.
5. The 16,000 square foot self-storage building which is setback sixty (60) feet from the eastern perimeter of the site shall not exceed fifteen (15) feet in height.
6. Masonry walls, a minimum of six (6) feet in height, shall be provided on or near the south and east property boundaries. The masonry walls may be incorporated into the landscape border.
7. Development on the Community Activity Center portion of the site on the north side of the site shall be designed for possible integration with the commercial parcels to the north.
8. The buildings shall be setback a minimum of sixty (60) feet from the south and east property lines.
9. Outdoor lighting shall be placed at a minimum height to ensure site security, while protecting the adjacent less intense residential neighborhood to the south and east from direct outdoor lighting and glare.
10. The Scenic Route frontage along Thornydale Road shall consist of buildings and walls with a single southwestern architectural theme in earth tones.
11. All walls and buildings along the southern and eastern edge of the site shall be treated with non-reflective material and shall include architectural elements to compliment the southwestern façade along the Scenic Route frontage on Thornydale Road.

12. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
13. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
14. The developer shall install a right turn deceleration lane on Thornydale Road with a 100-foot vehicle stacking capability and a 120-foot long taper.
15. If a median break is required, the developer shall be responsible for all cost burdens related to design and construction. The median shall have a left turn deceleration lane with 100-foot vehicle stacking capability and 120-foot long taper.
16. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
17. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
18. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
19. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Twelve (12) written approvals and nine (9) written protests have been received.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

13. ZONING: (C9-03-11) DAVERN – SILVERBELL ROAD, SR TO R-1, CITY MANAGER’S REPORT

- (a) Report from City Manager AUG4-03-429 W1
- (b) Report from Zoning Examiner dated July 25, 2003
- (c) Request to rezone approximately 9.4 acres from SR (Very Low Density Residential) to R-1 (Low Density Residential) zoning. Applicant: Timm Dixon of Urban Engineering, on behalf of the property owner, Keith Davern.

The rezoning site is located on the west side of Silverbell Road north of Ironwood Hill Drive. The preliminary development plan is for 40 one and two-story single-family residences.

The Zoning Examiner recommends approval of R-1 zoning. The City Manager recommends approval of R-1 zoning subject to the following conditions:

- 1. A subdivision plat in substantial compliance with the preliminary development plan dated February 2003, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
- 2. Fifteen-gallon minimum canopy trees shall be planted at an interval of one (1) tree for every other lot on internal streets.
- 3. All detention/retention and common areas shall be designed as useable passive and active open spaces and shall be constructed to appear as natural as possible.
- 4. Lots 36, 37, 38, 39, and 40 as shown on the February 2003 preliminary development plan shall be restricted to one-story units.
- 5. All structures shall be limited to a maximum height of twenty-four (24) feet and shall be sited and landscaped to minimize any negative visual impacts.
- 6. All structures shall be earth tones in context with the surrounding environment.
- 7. The owner/developer shall demonstrate that lots 30 and 31 can accommodate at least one of the model homes available for the subdivision.
- 8. Building elevations and the proposed color palette shall be submitted for CDRC review and approval.

9. An appropriate mix of building façades and roof lines is required. Building facades and rooflines of Units visible from Silverbell Road and those located on lots 36, 37, 38, 39, and 40 as shown on the February 2003 preliminary development plan, must be reviewed in the context to verify compliance with this condition.
10. The owner/developer shall contact the owners/developers of the adjacent properties on the west side of Silverbell Road to design a cohesive landscape, drainage and architectural treatment of the site.
11. The owner/developer shall contribute towards the development of Christopher Columbus Park and/or Joaquin Murrieta Park in the amount of \$1,000.00 per residence.
12. The development shall be designed to accommodate parking on both sides of the street.
13. Streets shall be private.
14. Dedication of 25 foot radius spandrels at the corners of the access point to the site.
15. Dedication, or verification of existence, of right-of-way, per the *Major Streets and Routes Plan* along the Silverbell Road frontage of the site.
16. Design and construction of the following roadway improvements is required:
 - a. A southbound continuous right turn deceleration lane on Silverbell Road with 100 feet of vehicle stacking and a 120-foot taper.
 - b. A northbound continuous center left turn lane on Silverbell Road with 100 feet of vehicle stacking and a 120-foot taper.
 - c. Sufficient additional pavement to accommodate a future five (5) foot wide bike lane along Silverbell Road the entire length of the above mentioned turn lanes.
17. Design and construction of an additional lane of paving, curb, and sidewalk along the Silverbell Road frontage of the site. In lieu of designing and constructing the above, or participating in a future improvement district for same, the owner/developer shall provide funding in the amount of \$38,125.

18. The owner/developer shall provide 50 percent of the funding for the design and construction of a 100-year storm capacity reinforce concrete box culvert or pre-cast reinforced concrete pipe culvert at the fronting Silverbell Road drainage crossing.
19. All walls visible from a public right-of-way (and adjacent existing residential) are to be graffiti-resistant and incorporate one or more visually appealing design treatments, such as; the use of two or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments (jog, curve, notch, setback, etc.); and/or, trees and shrubbery in voids created by wall variations.
20. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
21. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
22. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
23. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Four (4) written approvals and two (2) written protests have been received.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

14. ZONING (C9-03-04) CUMMINGS – MARTIN AVENUE, R-2 TO P, CITY MANAGER'S REPORT

- (a) Report from City Manager AUG4-03-430 W6
- (b) Report from Zoning Examiner dated July 25, 2003

- (c) Request to rezone approximately 0.41 acres from R-2 (Medium Density Residential) to P (Parking) zoning. Applicant: Scott Cummings.

The rezoning site is located on the east side of Martin Avenue, south of 6th Street and west of Campbell Avenue. The preliminary development plan is for a 48 space commercial parking lot.

The Zoning Examiner recommends approval of P zoning. The City Manager recommends approval of P zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated and sealed by Robert Page April 23, 2003, and the Design Compatibility Report, covering the rezoning site, and parcels 124-03-1670, 124-03-1680, 124-03-1700 and 124-03-171B, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*. If the development is phased, the first phase shall be in substantial compliance with the preliminary development plan dated November 11, 2002, sealed by Robert Page April 23, 2003.
2. A two (2) foot landscape buffer with a five (5) foot tall screen wall shall be provided along the south side of the parking lot, that includes canopy trees located every twenty-five (25) feet, in addition to shrubs and groundcover. Should development of the site be phased, this landscaping shall be included in the initial phase of development.
3. A landscaped pedestrian corridor shall be provided between the parking area and the commercial properties along Sixth Street. Raised or textured pedestrian crosswalks shall be provided in all locations where the pedestrian system crosses the alley.
4. A traffic circulation plan, including a right turn only device at Martin Avenue, shall be submitted and approved by Traffic Engineering.
5. Landscaping, screening, and pedestrian access per the *LUC* shall be provided on parcels 124-03-1670, 124-03-1680, 124-03-1700, and 124-03-171B, for any change of use that utilizes the rezoning site for required parking.
6. If the site is developed in phases, all required site improvements shall be constructed during the first phase of the development, with the exception of the landscaped pedestrian corridor between the parking area and the commercial properties along Sixth Street which may be deferred until no later than December 31, 2005.

7. Outdoor lighting shall be full cut-off and shall be directed down and shielded away from adjacent residential parcels and public roadways.
8. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
9. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
10. Depress all landscaped areas six (6) inches to maximize water harvesting.
11. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
12. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
13. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
14. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Thirty-three (33) written approvals and zero (0) written protests have been received.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

15. ZONING: (C9-03-08) KALAMAZOO MATERIALS – STONE AVENUE, R-2 TO O-2, CITY MANAGER’S REPORT

- (a) Report from City Manager AUG4-03-407 W3
- (b) Report from Zoning Examiner dated June 20, 2003

- (c) Request to rezone approximately 0.85 acres from R-2 (Medium Density) to O-2 (Residentially Compatible Office) zoning. Applicant: Linda Morales of the Planning Center, on behalf of the property owner, Stuart Yank of Kalamazoo Materials.

The rezoning site is located on the east side of Stone Avenue north of Pastime Road. The preliminary development plan is for conversion and expansion of an existing 1,450 square foot residence to an office use, together with a 650 square foot addition. Future plans include construction of a 4,500 square foot office for a total of 6,600 square feet of office space.

The Zoning Examiner recommends approval of O-2 zoning. The City Manager recommends approval of O-2 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated March 31, 2003, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The owner/developer shall agree to vehicular and pedestrian cross-access within this site and with the adjoining property to the north. The owner/developer is encouraged to secure a cross-access agreement with the adjoining property owner to the north, should the property be rezoned.
3. Landscaping and plant palette along Stone Avenue shall comply with the recommendations in the *Stone Avenue Corridor Study*.
4. A five (5) foot high masonry wall shall be constructed along the entire length of the north property boundary.
5. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
6. Any continuous wall greater than 75 feet in length and three (3) feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
7. All structures shall be a maximum of twenty (20) feet in height and single story.
8. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification

takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

9. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
10. Additional right-of-way shall be dedicated to the City of Tucson if required.
11. Sidewalks shall be installed along the Stone Avenue street frontage if not already existing.
12. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
13. Five (5) years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Five (5) written approvals and one (1) written protest have been received.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

16. ZONING: (C9-00-17) ROBERTS – WRIGHTSTOWN ROAD, SR TO RX-2, ORDINANCE ADOPTION

- (a) Report from City Manager AUG4-03-448 W2
- (b) Ordinance No. 9882 relating to zoning: amending zoning district boundaries in the area located on the northside of Wrightstown Road 2025 feet east of Pantano Road in Case C9-00-17, Roberts – Wrightstown Road, SR to RX-2; and setting an effective date.

A three-fourths majority vote will be necessary to adopt the ordinance presented.

17. ZONING: (C9-98-25) STARR PASS AND MOUSSA – STARR PASS BOULEVARD, R-1 TO SR, ORDINANCE ADOPTION

- (a) Report from City Manager AUG4-03-447 W1
- (b) Ordinance No. 9881 relating to zoning: amending zoning district boundaries in the area located northwest of the intersection of Starr Pass Boulevard and Players Club Drive and west of Starr Pass Boulevard 300 feet south of Players Club Drive for the golf course portion of Case C9-98-25, Starr Pass and Moussa – Starr Pass Boulevard, R-1 to SR; and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance presented.

18. PUBLIC HEARING: (SE-03-03) AVENTIS BIO SERVICES — 12th STREET SPECIAL EXCEPTION LAND USE

- (a) Report from City Manager AUG4-03-425 W5
- (b) Zoning Examiner's Report dated July 11, 2003
- (c) Hearing. Request for a Type III Special Exception to construct a plasma collection center. Applicant: Keri L. Silvyn and Mary Beth Savel of Lewis and Roca LLP, on behalf of the property owner Kevin Kiernan.

The special exception site is located on the northeast corner of Euclid and 12th Street. The property is currently zoned I-1 (Light Industrial). The preliminary development plan proposes a one-story, 10,443 square foot plasma collection center on 1.06 acres.

The Zoning Examiner recommends approval of the special exception land use request. The City Manager recommends approval of the special exception land use request subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated March 21, 2003, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Closure of the existing facility on East 6th Street prior to issuance of permanent Certificate of Occupancy for the subject facility.
3. Building façades along the north and west sides of the building shall be designed with attention to architectural character and detail consistent with

the front of the building, including color palette, signs, lighting, rooflines and materials.

4. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
5. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
6. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
7. Security assessment and plan shall be provided with the development plan for review by the Tucson Police Department.
8. A complaint/information/contact phone number for the plasma center shall be clearly posted on or near the front of the building.
9. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
10. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
11. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions.

A simple majority vote will be necessary to approve the special exception land use request.

19. PUBLIC HEARING: ZONING (C9-91-19) LEWIS – TANQUE VERDE ROAD, C-2 ZONING, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION

- (a) Report from City Manager AUG4-03-449 W2

- (b) Hearing on a request for a change of conditions and preliminary development plan for the property located at the southwest corner of Desert Arbors Drive and Desert Links Drive. Applicant: Barbee Hanson of OPW Engineering, on behalf of the prospective property owner, Pepper Viner Homes. The revised preliminary development plan is for 50 single-family residential units on the northern 8.86 acres of the previously approved golf driving range.

The City Manager recommends approval of the requested change of conditions and preliminary development plan subject to the revised conditions provided in the proposed ordinance.

- (c) Ordinance No. 9883 relating to zoning: amending zoning conditions established by Ordinance 7734 and 7782 in the area located at the southwest corner of Desert Arbors Drive and Desert Links Drive in Case C9-91-19, Lewis – Tanque Verde Road, C-2 zoning; and declaring an emergency

20. PUBLIC HEARING: ZONING (C9-84-25) KIVEL - KOLB ROAD, O-3 AND C-1 ZONING, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION

- (a) Report from City Manager AUG4-03-445 W2
- (b) Hearing on a request for a change of conditions and preliminary development plan for the property located on the southwest side of Kolb Road, north and south of Calle La Paz. Applicant: Linda Morales of the Planning Center, on behalf of the property owner, Alta Vista Communities LLC. The revised preliminary development plan is for 300 multi-family residential units in 21 two-story buildings and a 30,000 square foot two-story office complex.

The City Manager recommends approval of the requested change of condition and preliminary development plan subject to the revised conditions provided in the proposed ordinance.

- (c) Ordinance No. 9880 relating to zoning: amending Ordinance 7213; change of certain rezoning conditions for the area located on the southwest side of Kolb Road, north and south of Calle La Paz in Case C9-84-25, Kivel – Kolb Road, O-3 and C-1; and declaring an emergency.

21. PUBLIC HEARING: PROPOSED AMENDMENT TO THE *SAM HUGHES NEIGHBORHOOD PLAN* TO ALLOW A MIXED-USE DEVELOPMENT ON THE SOUTHEAST CORNER OF CAMPBELL AND SIXTH STREET

- (a) Report from City Manager AUG4-03-450 W6

- (b) Hearing on a request by Lewis and Roca LLP, on behalf of property owner, to amend the *Sam Hughes Neighborhood Plan (SHNP)* to allow a mixed-use office/commercial/residential development on the southeast corner of Campbell Avenue and Sixth Street.
- (c) Resolution No. 19662 relating to planning and zoning; amending the *Sam Hughes Neighborhood Plan* to allow mixed use office/commercial/residential in the vicinity of Campbell and Sixth Street; and declaring an emergency.

22. REAL PROPERTY: VACATION AND EXCHANGE OF CITY RIGHTS-OF-WAY WITH LA COLONIA SEIS APARTMENTS

- (a) Report from City Manager AUG4-03-451 W6

Note: This item relates to Item 21 on this Agenda.

Material for this item can be accessed on the City Website and in the City Clerk's office as soon as it becomes available.

23. PUBLIC HEARING: PROPOSED AMENDMENT TO THE *RINCON SOUTHEAST SUBREGIONAL PLAN* TO ALLOW RESIDENTIAL USE ON VACANT LAND

- (a) Report from City Manager AUG4-03-446 W5
- (b) Hearing on a request by The Planning Center, on behalf of property owners, Myers Communities, to amend the *Rincon Southeast Subregional Plan (RSSP)* to allow residential uses on a currently vacant 65-acre site located south of Interstate Highway 10 (I-10), west of Wilmot Road, north of the Rodeo Wash, and east of the Los Reales Regional Landfill.
- (c) Resolution No. 19661 relating to planning and zoning; amending the *Rincon/Southeast Subregional Plan*, Map Detail #9-RSSP-Wilmot/I-10-RSSP; and declaring an emergency.

24. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on *any issue*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

25. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, September 2, 2003, at 2:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.